

REMARKS

Claims 66-75, 77 and 79-87 have been rejected as being obvious over US 3516549 to MacDonnell in view of US 3506475 to MacDonnell, US 6165572 to Kahlbaugh and US 5552048 to Miller. Claim 76 has been rejected as being obvious over these references and also US 6331223 to Wylie.

The Examiner contends that it would have been obvious to replace the "full length" perforated outer cover wrap 14 in US 3516549 with the US 3506475 netting 18 (but have it extend the entire axial length of the filter media) and to thermally bond this "full length" netting 18 to the radially outer peaks as is done in US 5552048.¹ The Examiner points to this passage in the MacDonnell '475 patent:

Other advantages directly resulting from the use of netting as the means for mechanically ganging the pleats include the feature that the netting may have a large sized open mesh configuration to insure full flow action through the filter. The netting material may be selected to achieve superior bond relationship between the netting and the pleats, thereby enabling a filter that is otherwise largely conventional to be used in a system wherein the by-pass valve opening is set at 125 psi rather than at 60 psi which has been the past practice. The increased by-pass valve setting means in the case of engine lubrication oil can be passed through to the filter so that the engine need never be exposed to unfiltered oil.²

This passage does not, in any way, imply that the netting 18 alone could function as the exoskeleton. It only teaches that the ganging of the pleats, in combination with the exoskeleton 14, allows increased operating pressures.

The Examiner additionally relies on the fact that the independent claim of the MacDonnell '475 patent does not specifically recite a wrap. While this might be relevant when evaluating infringement issues, it has no bearing on patentability issues.³

The Examiner also asserts that since in our invention the pleats are supported without an additional wrap, the modified MacDonnell filter would likewise have this ability. Even if such an assertion was true (and it is not believed to be so), this does not establish obviousness. It only establishes that a hindsight construction of the claimed filter element

1. The proposed combination also comprises replacing the kraft paper filter media with the cellulose-fiber-free and woven-mesh-free filter media of US 6165572.

2. US 3506475, column 8, line 75 through column 9, line 13.

3. If infringement were equated to patentability, improvement inventions could never be patented. This is certainly not the case, as most patents granted are improvements over already patented products, apparatuses and/or processes.

would result in the pleats being supported without an additional wrap. There is no teaching in the prior art to use the MacDonnell netting 18 without the wrap 14 in a filter element.

Accordingly, this application is believed to be in a condition for allowance and an early indication to that effect is earnestly solicited.

Respectfully submitted,

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